Page



Washington, Thursday, June 20, 1940

The President

EXECUTIVE ORDER

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER A COMPETITIVE CLASSIFIED CIVIL-SERVICE STATUS UPON CERTAIN EMPLOYEES OF THE DEPARTMENT OF LABOR

By virtue of the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), the Civil Service Commission is hereby authorized to confer a competitive classified civil-service status upon (1) those persons (six in number) now employed by the Department of Labor in the determination of wages pursuant to the provisions of the act entitled "An Act to amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings," approved August 30, 1935, (2) those persons (eight in number) now employed in the Conciliation Service of the Department of Labor pursuant to authority contained in the Second Deficiency Appropriation Act. fiscal year 1935, and (3) those persons (four in number) now detailed to the Office of the Secretary of Labor from the United States Employment Service, upon recommendation of the Secretary of Labor: Provided, (1) that such employees were assigned to positions under authority of one of the above-cited acts at least six months prior to the date of this order and have rendered satisfactory active service for at least three months of such six months' period; (2) that they qualify in such appropriate noncompetitive tests of fitness as may be prescribed by the Civil Service Commission; (3) that they are citizens of the United States; and (4) that they are not disqualified by any provision of section 3 of Civil Service Rule V or of any other civil service rule, or by any provision of the Civil Service Act, or of any other statute or Executive order.

Any employee in the several classes above cited who fails to meet the fore-

going requirements shall be separated from the service within thirty days (exclusive of leave to which he is entitled) after the Civil Service Commission reports that he is ineligible for classification, unless the Secretary of Labor certifies to the Commission that the employee has rendered satisfactory service and that he should be retained although without acquiring a competitive classified status.

FRANKLIN D ROCSEVELT

THE WHITE HOUSE,
June 17, 1940.

INo. 8447]

[F. R. Doc. 40-2492; Filed, June 18, 1940; 1:48 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-9]

PART 701—1940 AGRICULTURAL CONSERVA-TION PROGRAM BULLETIN

SUPPLEMENT NO. 9

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program bulletin, as amended,³ is hereby further amended as follows:

- 1. Subparagraph 7 of paragraph (c), § 701.101, is amended to read as follows:
- "(7) Peanuts for market means all peanuts harvested for nuts on any farm on which any peanuts are separated from the vines by mechanical means and sold to persons not living on the farm."
- 2. Subparagraph 7 of paragraph (i), § 701.101, is amended to read as follows:
- "(7) General soil-depleting crops or general crops means all crops and land uses listed in the definition of soil-

²5 F.R. 1326.

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depleting acreage, except (1) corn. wheat, cotton, rice, tobacco, potatoes, peanuts, commercial vegetables, if a separate payment or deduction is computed for the farm with respect to such crop, and (2) sugar beets and sugar cane for sugar: Provided, That corn on a noncorn-allotment farm, wheat on a nonwheat-allotment farm, vegetables on a non-vegetable-allotment farm in a comcommercial potato county, shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops."

3. Subparagraph 1 of paragraph (j) § 701.101, is amended to read as follows:

"(1) Farm restoration land. Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the land in the farm which was designated as restoration land under the 1939 or 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored: Provided, That, except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes, new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be applied to restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land."

4. Paragraph (c); § 701.110, is amended to read as follows:

"(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, unless the county committee certifies that the change is justified and approves such change.

"If on any farm the number of sharecroppers and share tenants in 1940 is less mercial vegetable county, and potatoes than the average number on the farm 13 F.R. 1451.

on a non-potato-allotment farm in a during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to. the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made unless the county committee certifies that the reduction is justified and approves such reduction.

"The action of the county committee under this paragraph (c) is subject to approval or disapproval by the State

committee.

"If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device, (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program."

Done at Washington, D. C., this 19th day of June 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 40-2505; Filed, June 19, 1940; 11:04 a. m.]

TITLE 9-ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

ORDER AMENDING REGULATIONS RELATING TO RECOGNITION OF BREEDS AND PURE-BRED ANIMALS

Pursuant to the authority vested in the Secretary of Agriculture by paragraph 1606, section 201, title II, of the act of June 17, 1930 (46 Stat. 673; 19 U.S.C., Sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [paragraph 1, section 2, regulation 2, B.A.I. Order 365.1 is amended by adding to the subdivision of said paragraph relating to sheep the following breed and book of record:

Sheep

Name of breed	Book of record	By whom published		
Corriedale	Corriedale Flock Book.	The Australian Corriedale Sheepbreeders' Association, Louis Monod, Scortary, 422 Collins Street, Melbourne, C. 1, Australia.		

day of June 1940. Witness my hand pany, Docket 3405, June 12, 19401 and the seal of the Department of Agri-_culture.

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 40-2491; Filed, June 18, 1940; 1:17 p. m.]

TITLE 16—COMMERCIAL PRACTICES CHAPTER-FEDERAL TRADE COM-MISSION

[Docket No. 3405]

IN THE MATTER OF SQUARE DEAL CANDY - COMPANY

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV. sec. 45b) [Cease and desist order. Square Deal Candy Company, Docket 3405, June 12, 1940]

§ 3.99 (b) Using or selling lottery devices - In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or any other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Square Deal Candy Company, Docket 3405, June 12, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Square Deal Candy Company, Docket 3405, June 12, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, any merchandise by means of a game or chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15

Done at Washington, D. C., this 18th desist order, Square Deal Candy Com- with the Commission a report in writing

IN THE MATTER OF WARREN WATKINS, IN-DIVIDUALLY AND TRADING AS SQUARE DEAL CANDY COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, (no answer having been filed by the respondent), testimony and other evidence taken before C. P. Vicini and John J. Keenan, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint (respondent having offered no proof in opposition to the allegations of said complaint) brief filed by counsel for the Commission (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Warren Watkins, individually and trading as Square Deal Candy Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- (1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be made or may be made by means of a lottery, gaming device or gift enterprise:
- (2) Supplying to or placing in the hands of others assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or any other merchandise to the public;
- (3) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the public:
- (4) Selling or otherwise distributing any merchandise by means of a game or chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty days after U.S.C., Supp. IV, sec 45b) [Cease and service upon him of this order file the Federal Trade Commission upon the

setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, Secretary.

[F. R. Dec. 40-2501; Filed, June 19, 1940; 10:16 a.m.]

[Docket No. 3706]

IN THE MATTER OF GENERAL AMERICAN SALES CORPORATION, ET AL.

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying. etc., in connection with offer, etc., in commerce, of electric razors, cameras and other articles and merchandise, others with any merchandise together with punch boards, push or pull cards or other lottery devices, which said punch boards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, General American Sales Corporation, et al., Docket 3706, June 14, 19401

§ 3.99 (b) Using or selling lottery derices-In merchandising. Supplying. ctc., in connection with offer, etc., in commerce, of electric razors, cameras and other articles and merchandise, others with punch boards, push or pull cards or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, General American Sales Corporation, et al., Docket 3706, June 14, 19401

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of electric razors, cameras and other articles and merchandise, any merchandise by the use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, General American Sales Corporation, et al., Docket 3706, June 14, 1940]

IN THE MATTER OF GENERAL AMERICAN SALES CORPORATION, A CORPORATION, AND DAVID C. BASKIN, ARNOLD SIMON AND FAYE SIMON, INDIVIDUALS

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1940.

This proceeding having been heard by

complaint of the Commission, (the respondents having filed no answer) testi- IN THE MATTER OF NATIONAL SURE-FIT term must be immediately accompanied mony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that respondents General American Sales Corporation and David C. Baskin have violated the provisions of the Federal Trade Commission Act;

It is ordered That the respondent General American Sales Corporation, a corporation, its officers, and the respondent David C. Baskin, individually and as president and director of General American Sales Corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale. sale and distribution of electric razors. cameras, radios, pencils, pen and pencil sets, and other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- (1) Supplying to or placing in the hands of others any merchandise together with punch boards, push or pull cards or other lottery devices, which said punch boards, push or pull cards or other lottery devices are to be used or may be used in selling or distributing such merchandise to the public:
- (2) Supplying to or placing in the hands of others punch boards, push or pull cards or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards or other lottery devices are to be used or may be used in selling or distributing any merchandise to the public;
- (3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

It is further ordered, That the respondents General American Sales Corporation and David C. Baskin shall, within sixty days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and the same hereby is, closed as to the respondents Arnold Simon and Faye Simon without prejudice to the right of the Commission to reopen the same and resume proceedings in the case in accordance with the Commission's regular procedure should future facts so warrant.

By the Commission.

[SEAL] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-2503; Filed, June 19, 1940; 10:16 a. m.]

[Docket No. 3728]

QUILTING COMPANY, INC.

§ 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.96 (a) (1) Using misleading name-Goods-Composition. Using, in connection with offer, etc., in commerce, of comforters or similar products, term Villadown or any other term of similar import or meaning to describe or designate any quilt, comforter, or other similar product, the filler of which is not composed wholly of "down", the light fluffy undercoating of the waterfowl, prohibited; subject to the provision that if said term is used to describe a filler composed in part of down and in part of materials other than down, such term must be immediately accompanied by a word or words of equal size or conspicuousness designating the substance, fiber or material of which said filler is composed with designation of each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Sure-Fit Quilting Company, Inc., Docket 3728, June 10, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal the City of Washington, D. C., on the 10th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission, duly designated by it in support of the allegations of said complaint and in opposition thereto and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the repondent, National Sure-Fit Quilting Company, Inc., a corporation, its officers, representatives. agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of comforters or similar products in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term Villadown or any other term which includes the word "down" or any colorable simulation thereof or using any other term of similar import or meaning to describe or designate any quilt, comforter, or other similar product, the filler of which is not composed wholly of "down", the light fluffy undercoating of the waterfowl, provided that if said term is used to describe a

part of materials other than down such by a word or words of equal size or conspicuousness designating the substance, fiber or material of which said filler is composed with designation of each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON.

Secretary.

[F. R. Doc. 40-2498; Filed, June 19, 1940; 10:15 a. m.]

[Docket No. 3797]

In the Matter of United Factories, Inc.

§ 3.6 (a10) Advertising falsely or misleadingly—Comparative data or merits: § 3.6 (x) Advertising falsely or misleadingly-Results. Representing, in connection with offer, etc., in commerce, of respondent's "Micaseal" or other similar preparation, that use of respondent's preparation will (1) decrease the oil or Trade Commission, held at its office in gas consumption of a motor, increase engine compression or check excessive oil pumping, or (2) check excessive carbon formation or add speed, power, or smoothness to the operation of old motors, or (3) recondition a motor or produce results equal to or comparable with a mechanical reconditioning of an automobile engine, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Factories, Inc., Docket 3797, June 10, 1940]

§ 3.6 (ee5) Advertising falsely or misleadingly-Tests. Representing, in connection with offer, etc., in commerce, of respondent's "Micaseal" or other similar preparation, that nationally known laboratories have made impartial tests of "Micaseal" and have certified that "Micaseal" has merit when used in an automobile engine, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112: 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Factories, Inc., Docket 3797, June 10, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Arthur F. filler composed in part of down and in I Thomas, an Examiner of the Commission, theretofore duly designated by it, advertised as "Man's Pep Tonic" (Double the same names or under any other in support of the allegations of the Str. Capsule) and as "Man's Tonic" names, do forthwith cease and desist complaint and in opposition thereto, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, United Factories, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its preparation known as Micaseal, or any other preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- 1. Representing that the use of respondent's preparation will decrease the oil or gas consumption of a motor, increase engine compression or check excessive oil pumping;
- 2. Representing that the use of respondent's preparation will check excessive carbon formation or add speed, power, or smoothness to the operation of old motors;
- 3. Representing that the use of respondent's preparation will recondition a motor or produce results equal to or comparable with a mechanical reconditioning of an automobile engine;
- 4. Representing that nationally known laboratories have made impartial tests of MICASEAL and have certified that MICASEAL has merit when used in an automobile engine.
- It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

ISEAT. I

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 40-2497; Filed, June 19, 1940; 10:14 a. m.]

[Docket No. 4053]

IN THE MATTER OF U. S. DRUG & SALES COMPANY, ETC., ET AL.

Advertising falsely or misleadingly-Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly-Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure-Safety. Disseminating, etc., in connection with offer, etc., of respondents' medicinal preparations advertised as "Man's Pep Tonic" and as "Man's Tonic" and sold under the name "U. S. Special Tab-

(Double Str. Capsule) and sold under the name "Sextogen Capsules for Men and Women", or of any other similar medicinal preparations, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said preparations, which advertisements represent, directly or through inference, that such preparations are safe, competent or reliable tonics, that they are effective, safe or scientific aphrodisiacs, that they are safe or scientific treatments for strengthening or rejuvenating the glands or sexual organs of men or women, or that they possess any value in the treatment of debility: or which advertisements fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, U.S. Drug & Sales Company, etc., et al., Docket 4053, June 11, 1940]

IN THE MATTER OF EDWIN L. LEISENBING, AN INDIVIDUAL, TRADING AS U. S. DRUG & SALES COMPANY, U. S. DRUG LAB-ORATORIES, AND U. S. DRUG COMPANY: AND GORDON LEISENRING, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered. That the respondents, Edwin L. Leisenring, an individual, trading as U.S. Drug & Sales Company, U.S. Drug Laboratories, and U.S. Drug Company, or trading under any other name or names, and Gordon Leisenring, an individual, their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparations advertised as "Man's Pep Tonic" and as "Man's Tonic" and sold under the name "U. S. Special Tablets" or of their medicinal preparation advertised as "Man's Pep Tonic" (Double Str. Capsule) and as "Man's Tonic" (Double Str. Capsule) and sold under the name "Sextogen Capsules for Men and Women", or of any other medicinal preparations composed of substantially similar in-

names, do forthwith cease and desist from directly or indirectly:

- 1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that said preparations are safe, competent or reliable tonics; that said preparations are effective, safe or scientific aphredisiaes: that said preparations are safe or scientific treatments for strengthening or rejuvenating the glands or sexual organs of men or women; or that said preparations possess any value in the treatment of debility; or which advertisements fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user;
- 2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of any of said preparations, which advertisements contain any of the representations prohibited in paragraph 1 hereof, or which fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order file with the Commission an interim report in writing stating whether they intend to comply with this order and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-2502; Filed, June 19, 1940; 10:16 a. m.]

[Docket No. 4053]

IN THE MATTER OF MIDWEST MERCHANDISE COMPANY

§ 3.99 (b) Using or selling lottery devices .- In merchandising. Selling, etc., in connection with offer, etc., in commerce, of knives, watches, radios or other articles or merchandise, said or other merchandise so packed and assembled that sales of said merchandise or other merchandise are to be, or may be. made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, gredients or possessing substantially 52 Stat. 112; 16 U.S.C., Supp. IV, sec. lets", or of their medicinal preparation similar properties, whether sold under 45b) [Cease and desist order, Midwest Merchandise Company, Docket 4058, Midwest Merchandise Company, or trad- etc., in connection with offer, etc., in com-June 10, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of knives, watches, radios or other articles or merchandise, others with assortments of any merchandise, together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Midwest Merchandise Company, Docket 4058, June 10, 1940]

§ 3.99 (b) Using or selling lottery devices—In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of knives, watches, radios or other articles of merchandise, others with push or pull cards, punchboards or other lottery devices, either with assortments of said merchandise or any other merchandise, or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing said merchandise or any other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Midwest Merchandise Company, Docket 4058, June 10, 19401

§ 3.99 .(b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of knives, watches, radios or other articles or merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Midwest Merchandise Company, Docket 4058, June 10, 1940]

IN THE MATTER OF C. I. LEVIN AND ED-WARD JOHNSON, INDIVIDUALLY AND TRAD-ING AS MIDWEST MERCHANDISE COMPANY Fig. R. Doc. 40-2499; Filed, June 19, 1940;

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, C. I. Levin and Edward Johnson, individually and trading under the name of vices—In merchandising. Supplying, chandise in commerce as commerce is

ing under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of knives, watches, radios, cameras, clocks, lamps or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing said merchandise or any other merchandise so packed and assembled that sales of said merchandise or other merchandise are to be made or may be made by means of a lottery, gaming device or gift enterprise:

(2) Supplying to or placing in the hands of others assortments of any merchandise, together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public:

(3) Supplying to or placing in the hands of others, push or pull cards, punchboards or other lottery devices, either with assortments of said merchandise or any other merchandise, or separately, which said push or pull cards, punchboards or other lottery devices are to be used or may be used in selling or distributing said merchandise or any other merchandise to the public;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON. Secretary.

10:15 a. m.]

[Docket No. 4060]

IN THE MATTER OF UNITED CANDY COMPANY

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Candy Company, Docket 4060, June 10, 1940]

§ 3.99 (b) Using or selling lottery de-

merce, of candy or other merchandise, others with assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or any other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Candy Company, Docket 4060, June 10, 1940]

§ 3.99 (b) Using or selling lottery devices - In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punch boards or other lottery devices. either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Candy Company, Docket 4060, June 10, 19401

§ 3.99 (b) Using or selling lottery devices—In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game or chance gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Candy Company, Docket 4060, June 10, 1940]

In the Matter of E. T. James, Jr., In-DIVIDUALLY AND TRADING UNDER THE NAME OF UNITED CANDY COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;
It is ordered, That the respondent,

E. T. James Jr., individually and trading under the name of United Candy Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merdefined in the Federal Trade Commis-|vices are to be, or may be, used in selling | are to be made, or may be made, by sion Act, do forthwith cease and desist

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the public are to be made or may be made by means of a lottery, gaming device or gift enterprise:

(2) Supplying to or placing in the hands of others assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or any other merchandise to the public:

(3) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the public;

(4) Selling or otherwise distributing any merchandise by means of a game or chance gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty days after service upon him-of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

F. R. Doc. 40-2495; Filed, June 19, 1940; 10:14 a. m.]

[Docket No. 4092]

In the Matter of Capital City Candy COMPANY

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise. candy or any other merchandise, so packed and assembled that sales of such candy, or other merchandise, to the general public are to be, or may be, made by means of a lottery scheme, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Capital City Candy Company, Docket 4092, June 10, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with assortments of candy, or other merchandise, together with push or pull cards, punchboards or other lottery devices, which said push or pull cards, punchboards or other lottery deor distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Capital City Candy Company, Docket 4092, June 10, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punchboards or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 37 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Capital City Candy Company, Docket 4092, June 10, 19401

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise. any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112: 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, Capital City Candy Company, Docket 4092, June 10, 1940]

In the Matter of R. L. Jackson, Individ-UALLY AND TRADING AS CAPITAL CITY CANDY COMPANY.

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent. R. L. Jackson, individually and trading as Capital City Candy Company, or trading under any other name or names; his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy, or any other merchandise, so packed and other merchandise, to the general public 4102, June 11, 19401

means of a lottery scheme, gaming device, or gift enterprise;

(2) Supplying to, or placing in the hands of, others assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards. punchboards, or other lottery devices, are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public;

(3) Supplying to, or placing in the hands of, others push or pull cards, punchboards or other lottery devices, either with assortments of candy, or other merchandise, or separately, which said push or pull cards, punchboards, or other lottery devices are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public:

(4) Selling, or otherwise disposing of. any merchandise by means of a game of chance, gift enterprise, or lottery

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order. file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-2500; Filed, June 19, 1940; 10:15 a. m.]

[Docket No. 4102]

IN THE MATTER OF EVANS CANDY HOUSE

§ 3.99 (b) Using or selling lottery devices.—In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise. candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be. or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Evans Candy House, Docket 4102, June 11, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Supplying. etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with assortments of candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or any other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and assembled that sales of such candy, or desist order, Evans Candy House, Docket

vices-In merchandising. Supplying, selling or distributing said candy or any etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Evans Candy House, Docket 4102, June 11, 1940]

§ 3.99 (b) Using or selling lottery devices-In merchandising. Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise. any merchandise by means of a game or chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Evans Candy House, Docket 4102, June 11, 19401

IN THE MATTER OF WILLIAM C. EVANS, IN-DIVIDUALLY AND TRADING AS EVANS CANDY House

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the PUBLIC UTILITY HOLDING COMPANY ACT 11th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent William C. Evans, individually and trading as Evans Candy House, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act do forthwith cease and desist from:

- (1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be made or may be made by means of a lottery, gaming device or gift enterprise;
- (2) Supplying to or placing in the hands of others assortments of candy or other merchandise together with push the United States to make all payments, or pull cards, punch boards or other lottery devices, which said push or pull in the name of the French American cards, punch boards or other lottery de- Banking Corporation, New York City.

§ 3.99 (b) Using or selling lottery de- [vices are to be used or may be used in other merchandise to the public;

- (3) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the public;
- (4) Selling or otherwise distributing any merchandise by means of a game or chance, gift enterprise or lottery PART 149-GENERAL LICENSE No. 19 UNscheme.

It is further ordered, That the respondent shall within sixty days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-2496; Filed, June 19, 1940; 10:14 a. m.]

TITLE 17—COMMODITY AND SECURI-TIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

of 1935

CORRECTION OF AMENDMENT OF RULE TT-3D-12

The Amendment of Rule U-3D-12 promulgated by the Commission, to be effective on June 13, 1940, and published on page 2227 of the FEDERAL REGISTER for Friday, June 14, 1940, is corrected insofar as the second sentence of paragraph (b) (2) is concerned. This sentence should read, in part, "Where figures are unavailable" instead of "Where figures are available".

By the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 40-2512; Filed, June 19, 1940; 11:44 a. m.]

TITLE 31-MONEY AND FINANCE: TREASURY

CHAPTER I-MONETARY OFFICES

PART 148—GENERAL LICENSE No. 18 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE,

A General License is hereby granted authorizing banking institutions within transfers and withdrawals from accounts

Banking institutions within the United States making such payments, transfers or withdrawals shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions during such period.*

[SEAL] D. W. BELL, Acting Secretary of the Treasury. JUNE 18, 1940.

[F. R. Doc. 40-2493; Filed, June 18, 1940; 3:59 p. m.]

DER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE.

A General License is hereby granted authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of any of the following: Banco Holandës Unido, Buenos Aires, Argentina, Carácas and Maracaibo, Venezuela; Banco Hollandez Unido, Rio de Janeiro, Santos and Sao Paulo, Brazil.

Banking institutions within the United States making such payments, transfers or withdrawals shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions during such period. **

[SEAL] D. W. BELL, Acting Secretary of the Treasury. JUNE 18, 1940.

[F. R. Doc. 40-2494; Filed June 18, 1940; 3:59 p. m.]

PART 150-GENERAL LICENSE No. 20 UNDER EXECUTIVE ORDER No. 8389, APRIL 10. 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE.

A general license is hereby granted authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of any individual who is a citizen of the United States and who is domiciled in, or resident of, the Netherlands East Indies or the Netherlands West Indies: Provided, That no foreign country named in Executive Order No. 8389, as amended, or any national thereof (other than such citizen of the United States) has, or has had at any

^{*}Part 148; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; Regulations, April 10, 1940, as amended May 10, 1940 and June 17, 1940.

**Part 149; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6500, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; Regulations, April 10, 1940, as amended May 10, 1940 and June 17, 1940.

15 F.R. 1677, 2279.

time (whether prior to, on, or subsequent | Reserve bank weekly reports showing the | to April 10, 1940), any interest of any details of such debits." nature whatsoever, direct or indirect, in such account.

Banking institutions within the United States making such payments, transfers or withdrawals shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions during such period.

For the purpose of this general license the Netherlands East Indies and the Netherlands West Indies shall be deemed to include the following, respectively:

Madura, Sumatra, Riouw-Lingga archipelago, Banka, Billiton, Celebes, Borneo (West, South and East Divisions), Timor archipelago, Bali and Lombok, Lesser Sunda Islands and Dutch New Guinea.

Netherlands West Indies-Dutch Guiana, Dutch St. Martin, Curacao, Bonaire, Aruba, St. Eustatius and Saba.*

D. W. BELL, Acting Secretary of the Treasury.

JUNE 19, 1940.

[F. R. Doc. 40-2514; Filed, June 19, 1940; 11:54 a. m.1

PART 132-AMENDMENT TO GENERAL LI-CENSE No. 2 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General License No. 21 is hereby amended to read as follows:

"A General License is hereby granted authorizing banking institutions within the United States to debit accounts with such banking institutions in which Norway, Denmark, the Netherlands, Belgium, Luxembourg or France or a national thereof has a property interest within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder,2 in payment or reimbursement for interest due to such banking institutions, cable, telegraph, telephone charges, or postage costs, custody fees and service charges. including but not by way of limitation minimum balance charges, account carrying charges and reference books, notary and protest fees, photostats, credit reports, transcripts of statements, registered mail insurance, stationery and supplies, checkbooks and other similar items. provided that all banking institutions making any such debits shall file promptly with the appropriate Federal

[SEAL] D. W. Bell, Acting Secretary of the Treasury. JUNE 19, 1940.

[F. R. Doc. 40-2513; Filed, June 19, 1940; 11:54 a. m.]

Notices

DEPARTMENT OF JUSTICE.

Netherlands East Indies—Java and Public Hearings by the Attorney Gen-ERAL'S COMMITTEE ON ADMINISTRATIVE PROCEDURE

> The Attorney General's Committee on Administrative Procedure will hold public hearings on June 26, 27, and 28, and July 10, 11, and 12, 1940, at the United States District Court House, Washington. The purpose of the hearings is to invite all persons and organizations to express their opinions of the procedures of the administrative departments of the Federal Government. The Committee welcomes both written statements mailed to it and oral statements made at the hearings. Written statements should be submitted before the close of the hearings on July 12.

> The number of requests to be heard has made it necessary for the Committee to sit in divisions, but all oral statements will be reported stenographically and carefully considered by the full membership of the Committee.

The program follows:

Board.

JUNE 26

Morning

Division 1: National Railroad Adjustment Board; National Mediation Board. Division 2: National Labor Relations Board.

Division 3: Fair Labor Standards Act (Wage-Hour Division-Children's Bureau).

Afternoon

Division 1: National Railroad Adjustment Board; National Mediation Board. Division 2: National Labor Relations

Division 3: Division of Public Contracts (Walsh-Healey Act).

JUNE 27

Morning

Division 1: Railroad Retirement Board; Social Security Board; Veterans' Administration.

Division 2: Federal Communications Commission.

Division 3: Federal Trade Commission.

Afternoon

Division 1: United States Maritime Commission; Department of Commerce (Bureau of Marine Inspection and Navigation).

Division 2: Post Office Department: Grain Standards Act; Packers and Stockyards Act.

Division 3: Federal Alcohol Administration; Bituminous Coal Division; Federal Control of Banking.

JUNE 28

Entire Committee

Personnel selection and tenure.

Rule-making and the publication of regulations.

Basic dangers of the administrative process.

Judicial review of administrative ac-

Administrative procedure generally.

JULY 10

Morning

Division 1: Securities and Exchange Commission; Federal Power Commission. Division 2: Bureau of Internal Revenue; Board of Tax Appeals.

Afternoon

Division 1: Interstate Commerce Commission.

Division 2: Bureau of Internal Revenue; Board of Tax Appeals.

JULY 11

Mornina

Division 1: U. S. Employees' Compensation Commission; Civil Aeronautics Authority; Food, Drug and Cosmetic Act; Plant Quarantine Act; Perishable Agricultural Commodities Act; Commodity Exchange Act; Agricultural Marketing Agreement Act of 1937.

Division 2: Bureau of Internal Revenue; Board of Tax Appeals.

Afternoon

Division 1: Immigration, Naturalization and Deportation.

Division 2: Tariff Commission, Bureau of Customs.

JULY 12

Entire Committee

Statutory basis for administrative action and procedure.

Practitioners before administrative agencies.

Judicial review of administrative action.

Administrative procedure generally.

Morning hearings will convene at 10:00 o'clock and afternoon hearings at 1:30 o'clock. Definite times for particular appearances cannot be set. Persons desiring to be heard should be present at the opening of the session at which their topic is scheduled. Provision will be made by the Committee for those who wish to speak on topics being heard simultaneously.

^{*}Part 150; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; Regulations, April 10, 1940, as amended May 10, 1940, and June 17, 1940.

15 F.R. 1695.

²⁵ F.R. 1680.

No. 120---2

^{*}Part 132; éec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 63, 76th Congress; 12 U.S.C. 95a; E.O. 6563, Jan. 15, 1934; E.O. 8369, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; Regulations, April 10, 1940, as amended May 10, 1940, and June 17, 1940.

cept applications to be heard and will practically, due to unfavorable climate. grant them gladly when circumstances will permit.

> THE ATTORNEY GENERAL'S COMMITTEE ON ADMINIS-TRATIVE PROCEDURE, DEAN ACHESON, Chairman.

[F. R. Doc. 40-2515; Filed, June 19, 1940; 11:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

PRIMA FACIE DETERMINATION IN THE MAT-TER OF APPLICATION FOR EXEMPTION OF LANDSCAPE CONTRACTING FROM THE MAX-IMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN IN-DUSTRY OF A SEASONAL NATURE

Whereas applications have been filed by Edwin M. Tate, Landscape Contractor, Caldwell, New Jersey, and sundry other parties for the exemption of landscape contracting from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations issued thereunder, and

Whereas it appears from the said application and upon further investigation that:

- 1. In a general sense (more particularly defined below) landscape contracting consists of the planting or transplanting of trees, shrubs, and other plants for ornamentation, including the making of lawns and gardens, together with other subsidiary and related operations for the same purpose; and
- 2. The basic operations of planting and transplanting are necessarily limited by natural factors to those times of the year when the plants will withstand the transplanting operations, because of the conditions of the plants, the soil and other climatic factors; and therefore, in a practical sense the plants are available for landscape contracting only during such times of the year; and
- 3. In general, transplanting takes place in the spring and fall or during the late fall, winter and early spring, the periods aggregating about five months and not in excess of six months, except in the states of Washington, Oregon and California where, under special climatic conditions therein prevailing, the operating season can and does extend from 8 to 12 months: and
- 4. Except during the operating seasons described above, landscape contracting ceases during the remainder of the year. apart from work such as maintenance, repair, clerical and sales work, because the trees, shrubs and other materials used in such operations are unavailable

Now, therefore, upon consideration of the facts stated in the said application and upon further investigation the Administrator hereby determines, pursuant to § 526.5 (c), as amended, of the Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations issued thereunder to landscape contracting, except in the Pacific States of California, Oregon and Washington.

In the above:

The term "landscape contracting" includes the planting or transplanting of trees, shrubs and other plants, including the making of lawns and gardens and the necessary coincidental building, on the site, of garden retaining walls, rock gardens, etc. It does not include routine lawn or garden maintenance except as an incident to the above during the planting season or seasons.

In accordance with the procedure established by § 526.5 (c), as amended, of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case shown upon the application.

This application may be examined at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 19th day of June 1940.

PHILIP B. FLEMING. Administrator.

[F. R. Doc. 40-2508; Filed, June 19, 1940; 11:29 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[Ex Parte No. MC-2]

IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

[Ex Parte No. MC-3]

IN THE MATTER OF NEED FOR ESTABLISHING REASONABLE REQUIREMENTS TO PROMOTE SAFETY OF OPERATION OF MOTOR VE-HICLES USED IN TRANSPORTING PROPERTY BY PRIVATE CARRIERS

ORDER FOR HEARING

At a session of the Interstate Commerce Commission, Division 5, held at

¹5 F.R. 711.

The Committee will continue to ac-| in the form in which they can be used | its office in Washington, D. C., on the 15th day of June, A. D. 1940.

Upon further consideration of the records in the above entitled proceedings and of a petition filed by the American Trucking Associations, Inc., and good cause therefor appearing;

It is ordered, That these proceedings be and they are hereby reopened for further hearing solely for the purpose of determining what classes of employees, if any, other than drivers, perform services which affect the safety of operation of motor vehicles in interstate or foreign commerce:

And it is further ordered, That the proceedings be and they are hereby assigned for hearing before Examiner R. W. Snow at the Hotel Sherman, Chicago, Illinois, beginning on Tuesday, July 16, at 9 A. M. Standard Time.

By the Commission, division 5.

[SEAL]

W. P. BARTEL. Secretary.

[F. R. Doc. 40-2506; Filed, June 19, 1940; 11:27 a. m.]

[Ex Parte No. MC-2]

IN THE MATTER OF MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

[Ex Parte No. MC-3]

IN THE MATTER OF NEED FOR ESTABLISHING REASONABLE REQUIREMENTS TO PRO-MOTE SAFETY OF OPERATION OF MOTOR VEHICLES USED IN TRANSPORTING PROP-ERTY BY PRIVATE CARRIERS

NOTICE RELATIVE TO HEARING

JUNE 17, 1940.

Attention is called to the fact that the hearing in the above entitled proceedings set for July 16, 1940, at Chicago, Illinois, is solely for the purpose of determining what employees, if any, other than drivers, perform services which affect the safety of operation of motor vehicles in interstate or foreign commerce. For the purpose of this hearing, the common and contract and private carrier cases are combined.

After the hearing the Commission will determine the particular classes of employees, if any, whose activities affect safety of operation and who are therefore subject to its jurisdiction. In the event that any such classes are found, the Commission will later hold hearings to determine what regulations, if any, should be prescribed for such employees, relative to their qualifications and maximum hours of service, and evidence on this phase of the matter, therefore, will not be received at the Chicago hearing set for July 16, 1940.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 40-2507; Filed, June 19, 1940; 11:27 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 59-8]

In the Matter of The Commonwealth & SOUTHERN CORPORATION AND ITS SUB-SIDIARY COMPANIES, RESPONDENTS

ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of June, A. D. 1940.

The Commonwealth & Southern Corporation and its subsidiary companies. respondents in this proceeding, having filed herein on June 13, 1940, a Petition for Rehearing with respect to the Motion to Dismiss filed by said respondents on May 27, 1940, which Motion to Dismiss was previously denied by order entered in these proceedings on June 8. 1940: and

The Commission having previously fully considered the matters set forth in said Motion to Dismiss, including particularly the contentions contained in paragraphs 4, 5, 6 and 7 of said Motion to Dismiss, and having previously fully considered the Brief of Points and Authorities Relied on in Support of said Motion to Dismiss filed by said respondents on May 27, 1940, and the Commission after such consideration having determined that the provisions of Section 30 of the Public Utility Holding Company Act of 1935 furnish no basis for dismissal of these proceedings and having accordingly denied said Motion to Dismiss by order as aforesaid; and

The Commission having carefully considered the said Petition for Rehearing, together with the Affidavit of Wendell L. Willkie and the Brief of Points and Authorities attached thereto, and it appearing to the Commission that said Petition for Rehearing and accompanying Affidavit and Brief do not set forth any grounds not previously considered by the Commission prior to the entry of said order of June 8, 1940 on the basis of which the Commission should reconsider said order or grant a rehearing with respect to said Motion to Dismiss, and the Commission being fully advised in the premises:

It is ordered, That said Petition for Rehearing on said Motion to Dismiss be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 40-2509; Filed, June 19, 1940; 11:44 a. m.]

IN THE MATTER OF INTERNATIONAL HYDRO-ELECTRIC SYSTEM, RESPONDENT, FILE No. 59-14

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities on the 17th day of June, A. D. 1940.

corporate structure of International Hydro-Electric System, a registered holding company, and its subsidiary companies, together with its parent, Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, the relationships among the companies in the holding company system of International Hydro-Electric System, the character of the interests thereof and the properties owned or controlled thereby, and the Commission having reasonable grounds to believe that:

- 1. International Hydro-Electric System is a registered holding company organized under the laws of the Commonwealth of Massachusetts as a voluntary association, and maintains principal offices for the doing of business in the City of New York, State of New York, and in the City of Boston, Commonwealth of Massachusetts.
- 2. In 1929 International Hydro-Electric System authorized and issued \$30,-000,000 principal amount of Convertible 6% Gold Debentures maturing April 1, 1944. As of December 31, 1939, \$26,568,-000 principal amount of said Convertible 6% Gold Debentures were outstanding in the hands of the public, and \$3,432,000 principal amount of said Convertible 6% Gold Debentures were held in its treasury.
- 3. As of December 31, 1939, International Hydro-Electric System had outstanding 144,799 shares of Preferred Stock-\$3.50 Series, with a par value of \$50 per share, including 2,000 shares held in the treasury and 315 shares held by subsidiaries. Dividends on the said Preferred Stock are cumulative and have accumulated to the extent of \$19.10 per share, aggregating \$2,728,055.90, representing more than five and one-half years' dividends as of December 31, 1939.
- 4. As of December 31, 1939, International Hydro-Electric System had outstanding 858,197.34 shares of Class A Stock with a par value of \$25 per share, including 1,479 shares held in the treasury and 569 shares held by subsidiaries. Dividends on the said Class A Stock are cumulative in the amount of \$2.00 per share per annum, and have accumulated to the extent of \$15.42 per share or \$13,207,735.83, representing more than seven and one-half years' dividends as of December 31, 1939.
- 5. As of December 31, 1939, International Hydro-Electric System had outstanding 1,000,000 shares of Class B Stock with a par value of \$20 per share. Dividends on the said Class B Stock are cumulative in the amount of \$2.00 per share per annum, but only to the extent in the amount of \$922,770. of the difference between the aggregate amount of dividends declared on the Class A Stock and the aggregate amount 510 shares of Capital Stock, with a par of dividends declared on the Class B value of \$10 per share, of System Prop-Stock and Common Stock. Under this and Exchange Commission, held at its provision the undeclared cumulative divioffice in the City of Washington, D. C., dends on the Class B Stock as of Decem- the voting power for the election of di-

The Commission having examined the | \$4.57 per share, and as any of the accumulation on the Class A Stock is paid, this accumulation on the Class B Stock would be increased by a corresponding amount. All of the outstanding shares of Class B Stock were held by Joseph B. Ely, C. Brooks Stevens, and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company.

- 6. As of December 31, 1939, International Hydro-Electric System had outstanding 2,500,000 shares of Common Stock with a par value of eighty cents per share. All of the outstanding shares of Common Stock were held by Joseph B. Ely, C. Brooks Stevens, and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company.
- 7. As of December 31, 1939, the Preferred Stock-\$3.50 Series had one vote per share in the election of directors due to the accumulation of dividends. The Class A Stock and the Common Stock were each entitled to one vote per share in the election of directors. The Class B Stock had no right to vote in the election of directors.
- 8. As of December 31, 1939, International Hydro-Electric System owned 821,780 Common Shares, no par value. of New England Power Association, a registered holding company, constituting approximately 88% of such Common Shares outstanding and approximately 88% of the voting power for the election of directors.
- 9. As of December 31, 1939, International Hydro-Electric System owned 1,439,0241/2 Common Shares, without nominal or par value, of Gatineau Power Company, constituting approximately 87% of such Common Shares outstanding and approximately 87% of the voting power for the election of directors. International Hydro-Electric System also owned 3 shares of 5% Cumulative Preferred Stock, with a par value of \$100 per share, of Gatineau Power Company.
- 10. As of December 31, 1939, International Hydro-Electric System owned 95,-300 shares of Capital Stock, no par value, of International Hydro-Electric Corporation (New York), now Hudson River Power Corporation, constituting 100% of such Capital Stock outstanding and 100% of the voting power for the election of directors. International Hydro-Electric System also owned a 6% demand note in the face amount of \$3,525,000 issued by International Hydro-Electric Corporation (New York). In addition, International Hydro-Electric Corporation (New York) was indebted to International Hydro-Electric System on open account
- 11. As of December 31, 1939, International Hydro-Electric System owned 256,erties, Inc., constituting 100% of such Capital Stock outstanding and 100% of ber 31, 1939, amounted to \$4,571,246.50 or rectors. International Hydro-Electric

the principal amount of \$1,178,710 issued by System Properties, Inc.

12. As of December 31, 1939, International Hydro-Electric System owned 250 shares of the Capital Stock, with a par value of \$100 per share, of Corinth Electric Light and Power Company, constituting \$100% of such Capital Stock outstanding and 100% of the voting power for the election of directors.

13. As of December 31, 1939, International Hydro-Electric System owned 10 shares of Capital Stock, no par value, of International Hydro-Electric Corporation (Delaware), constituting 100% of such Capital Stock outstanding and 100% of the voting power for the election of directors.

14. International Hydro-Electric System is a holding company with respect to New England Power Association, which latter company has subsidiary companies which are holding companies.

15. The continued existence of International Hydro-Electric System unduly and unnecessarily complicates the structure of the International Hydro-Electric System holding-company system.

16. The continued existence of International Hydro-Electric System unfairly and inequitably distributes voting power among the security holders of the International Hydro-Electric System holdingcompany system.

17. The corporate structure of International Hydro-Electric System unduly and unnecessarily complicates the structure of the International Hydro-Electric System holding-company system.

18. The corporate structure of International Hydro-Electric System unfairly and inequitably distributes voting power among security holders of the International Hydro-Electric System holdingcompany system.

Wherefore it is ordered, That, pursuant to Section 11 (b) (2) of the Public Utility Holding Company Act of 1935, a hearing shall be held at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 A. M. on the 16th day of July, 1940 (or such later date as the Commission prior thereto may fix by supplementary notice), to determine (1) whether the allegations of paragraphs numbered 1 through 18 hereof, inclusive, are true and accurate; (2) whether it is necessary to discontinue the existence of International Hydro-Electric System; (3) what steps are necessary for the discontinuance of the existence of International Hydro-Electric System; (4) what further action, if any, is necessary

System also owned a 6% demand note in | International Hydro-Electric System to | tion therefor as provided by Rule XVII insure that the corporate structure or of the Rules of Practice. continued existence of International Hydro-Electric System do not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute the voting power among security-holders of the International Hydro-Electric System holding-company system; and

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice: and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to International Hydro-Electric System, not less than 20 days prior to the date hereinbefore fixed as the date of hearing; and that notice of said hearing is hereby given to International Hydro-Electric System, the subsidiaries thereof, the security-holders thereof, and to all other persons, including Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, and the subsidiaries thereof, the security-holders and consumers of said companies, all States, municipalities and political subdivisions of States within which are located any of the utility assets of the International Hydro-Electric System holding-company system or under the laws of which any of said companies are incorporated, all State commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over International Hydro-Electric System or any of said companies or over any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the Federal Register not later than twenty days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene in these proand shall be required to be taken by day of July 1940, his request or applica- schedule:

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-2510; Filed, June 19, 1940; 11:44 a. m.]

[File No. 70-65]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of June, A. D. 1940.

A declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered. That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 9. 1940. at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 3, 1940.

The matter concerned herewith is in regard to certain cash advances which Community Power and Light Company, a registered holding company, proposes to make to its operating subsidiaries durceedings shall file with the Secretary of ing the period from May 1, to December the Commission on or before the 11th 31, 1940 as shown by the following

	Arkan- S33 Util- ities Com- pany	Missouri Utilities Company	Texas- New Mexico Util- ities Com- pany	Total
May June July August September October November December	\$4, 500 60, 500 (15, 590) (21, 000) (25, 000) 2, 000 (12, 000) 51, 000	\$9, 300 26, 700 20, 300 (16, 300) (56, 593) 10, 500 (13, 950) 23, 950	34, 000 (83, 000) (55, 000)	\$3,830 121,230 (78,330) (78,330) (15,530) (7,950) 19,950
Net advances dur- ing period	44, 500	4, 030	12,000	60, 500

() Denotes repayments.

The declarant has stated that Rule U-12B-1 is applicable to the proposed transaction.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 40-2511; Filed, June 19, 1940; 11;44 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, JUNE 15, 1940

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community

in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State Number of pecitions to which cutitled State Stat	gibles are first made from States which are in arrears.			
1. Virgin Islands. 0 0 0 2. Pucrto Rico. C7 45 3. Hawaii. 177 17 4. Alaska. 255 85 5. California 2,445 851 6. Texas. 2,478 1,614 7. Louislana 831 424 7. Louislana 185 63 9. Arizona 185 63 10. South Carolina 749 410 11. New Jersey 1,719 1,637 12. Missisppi 855 631 13. Ohlo. 2,833 1,719 14. Alabama 1,125 633 15. Arkanss 750 16. Georgia 1,237 753 16. Georgia 1,237 753 16. Kentucky 1,112 750 17. Oklahoma 1,019 C31 18. Kentucky 1,112 750 20. New Mexico 193 125 21. Tennessee 1,113 843 22. Ullinois. 3,246 2,571 23. Nevada. C3 32 24. Wisconsin 1,236 1,015 25. Indiana 1,339 1,015 26. Connecticut 634 612 27. Connecticut 634 612 28. Jelaware 191 94 29. Idaho. 193 20. Wyoming 96 20. Wyoming 97 21. Vermont 133 143 22. Ullinois. 232 23. Womann 133 143 23. Vermont 133 143 24. Vermont 133 143 25. Ocuprent 133 143 26. Ocuprent 133 143 27. Owyoming 99 28. Montana 221 29. Montana 221 30. Myoming 92 31. Vermont 133 143 31. Montana 223 33. Mantana 223 34. Mantana 2	Stato	of post- tions to which	of part-	
3. Hawaii 177 17 4. Alaska 25 8 5. California 2,415 801 6. Texas 2,475 1,014 7. Louislana 2,639 1,063 8. Michigan 2,639 1,063 9. Arkona 185 63 10. South Carolina 749 410 11. New Jersey 1,719 1,637 12. Missispph 85 516 13. Ohlo 2,823 1,719 14. Alabama 1,123 633 15. Arkansas 73 421 16. Georgia 1,237 763 17. Oklahoma 1,009 53 18. Kentucky 1,112 759 20. New Mexico 153 125 21. Tennesse 1,113 843 22. Hilmois 3,240 2,71 23. Nevada 50 322 24. Wisconsin 1,239 1,05 25. Indiana 1,576 1,153 26. Connecticut 63 61 27. Fiorida 65	in arrear	s		
	3. Hawaii 4. Alaska 5. California 6. Texas 7. Louisiana 8. Michigan 9. Arkona 10. South Carolina 11. New Jersey 12. Mississippi 13. Ohio 14. Alabama 15. Arkansas 16. Georgia 17. Oklahoma 18. Kentucky 19. North Carolina 20. New Mexico 21. Hennesse 22. Illinois 23. Nevada 24. Wisconsin 25. Indiana 26. Connecticut 27. Florida 27. Florida 28. Delawaro 29. Idaho 30. Wyoming 31. Vermont 32. Oregon 33. Mentana	461 4 - 41 - 414 - 42 - 44 86급등학생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생생	45 16 8 80 1 424 1 603 400 1 703 401 1 703 1 703 1 703 2 701 1 103 1 103	

	Stato	Number of pect- tions to which entitled	Num- ber of posi- tions cecu- pied	Net gain or loss since July 1, 1939	
	IN E	EXCESS			
0576144	69. Microuri 49. North Dakota 41. Kaures 42. Penneyleanla 43. Rhode kland 44. New York 45. Utah 49. Colonels 47. Minnesota 48. Iswa 49. Sputh Dakota 69. Nebresa 61. Vurginia 52. Maryland 53. Dirt. of Col	441	1,534 294 817 4,103 5,564 229 439 1,178 1,164 332 720 2,651 8,853	-18 +334 +14 +24 -33 -50 +4	
1443307699	By transfer By relactatement By conceilen				
1916733	By expanding By transfer Tetal Total appointments				
12532	Nora—Number of portioned positions the apportionment five VII, and the Attorna	who are gures un	exclud der Sec	led from . 3, Rule	

the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,751.

By direction of the Commission.

[SEAL] L. A. MOYER,

Executive Director and

Chief Examiner.

[F. R. Doc. 40-2504; Filed, June 19, 1940; 10:16 a. m.]